



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES June 10, 2002

Zoning Board of Appeals wireless facilities hearing

Board Organization for 2002-2003

Continued Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant

Public Hearing: Proposed amendments to Carlisle Planning Board's Rules and Regulations Governing the Subdivision of Land

Rescission of incomplete subdivisions that have expired without an extension: Pine Meadow Definitive Subdivision Plan - Maple Street, Wilkins Lane Definitive Subdivision Plan - Kimball Road

Request for a release from Restrictive Covenant of remaining lots in Wilkins Lane Definitive Subdivision Plan, and substitution of deposit of money as performance guarantee [Request of William Costello]

Request for additional extension of time to complete Maplewood Subdivision, Acton Street, Map 17, Parcel 17A (Request of Robert Koning)

Request to certify completion of High Woods Lane Common Driveway Special Permit, Map 6, Parcels 63-1, 63-2, 63-3, 63-4 and 63-5 [Request of West Street Partners, LLC]

Request for Proposals for review of potential wireless facilities sites
Special Town Meeting

Vice Chair Michael Epstein called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Louise Hara (Clerk), Dan Holzman, Tom Lane (Treasurer), and Kate Reid were present. Michael Abend (Chair) arrived after approval of the 4/22/02 minutes and Phyllis Zinicola was not present this evening. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were present. Epstein left the meeting at 8:55 p.m. Mosquito reporter Susan Yanofsky was also present for most of the meeting.

Hara moved to accept the minutes of 4/22/02 as drafted. Reid seconded the motion and it carried 5-0. Hara then moved and Reid seconded a motion to accept the minutes of 5/13/02 as drafted. The motion carried 5-0-1 with Abend abstaining.

Bills and Budget

Bills were circulated and the Board discussed the possibility of encumbering FY02 funds.

Mansfield noted that a significant amount of money remains in the office supplies budget, and he reminded the Board that at one time they had suggested purchasing a laptop computer to be used for recording minutes. The PA also suggested that a digital camera would be useful for site visits. The Board asked the PA to prepare a proposal with prices and to discuss the possibility of a joint purchase with the other land use boards.

Zoning Board of Appeals wireless facilities hearing

Abend disclosed that he is an abutter to the proposed Woodward/Anderegg site on Bedford Road, but did not recuse himself since there is currently no application before the Planning Board.

Holzman stated that he attended the second of three meetings on this public hearing. He reported that the ZBA spent a considerable amount of time discussing whether or not they could justify the requested variances, particularly the 198' tower height. Holzman suspected that more variances may be required other than those requested in the application, for instance tower lighting.

Abend noted that the requested variances for height and setback do not affect the abutters, since the site is well camouflaged and far from all existing homes other than the home on the Anderegg property. He said that abutters are more concerned about what will happen to the remaining land. They believe that the area could be further developed after the wireless facility is built.

Summer Meeting Schedule

The second meeting in June had already been scheduled for June 24th. The PA suggested that the Board follow the *Mosquito's* summer publishing schedule and meet on the Monday's following a Friday publication. This would allow the Board to publish its agenda in the local paper. However, public hearing notices would require publication in the *Lowell Sun* in order to meet legal notification requirements. The Board agreed to meet on the following Mondays: July 22nd, August 19th and September 23rd. The Board also asked the PA to publish an announcement in the last regularly scheduled *Mosquito*, advising the public that public hearings will be advertised in the *Lowell Sun* during the *Mosquito's* summer schedule.

Board Organization for 2002-2003

Hara nominated Kate Reid as Chair. Epstein seconded the nomination. Epstein nominated Louise Hara as Vice Chair and as Clerk. Lane seconded the nomination. Reid nominated Lane as Treasurer and Hara seconded the nomination. The nominees accepted their nominations and Abend moved to elect the slate of officers as nominated. Epstein seconded the motion and it carried 6-0.

Reid assumed the Chair. The Board agreed to discuss appointments and liaisons to other boards and committees at the next meeting.

Continued Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant

Tarik Samman of 148 Fifty Acre Way was present. Reid informed him that the applicant provided a letter dated 5/31/02 requesting a continuance and that no testimony would be taken. Hara moved and Abend seconded a motion to continue the public hearing to 8:15 p.m. on June 24, 2002. The motion carried 6-0.

Public Hearing: Proposed amendments to Carlisle Planning Board's Rules and Regulations Governing the Subdivision of Land

The following members of the public were present: The Board's engineer, Sandy Brock of Judith Nitsch Engineering, Inc.; Deb Belanger of the Pedestrian and Bike Pathways Committee; Sylvia Willard of 34 Bellows Hill Road; Gordon Bannister of 19 Elizabeth Ridge Road; and Diane Bleday of 210 Elizabeth Ridge Road.

Epstein explained that the Board has been tracking possible revisions to the Subdivision Rules and Regulations since April 1998 and is now ready to propose these revisions. He highlighted changes in the proposed rules and regulations as follows:

- 1) The Board would have the right to request project review fees for ANR plans if necessary.
- 2) ANR plans must be filed at a public meeting in order to regulate timing for endorsement.
- 3) The new regulations incorporate suggestions made by the Pedestrian and Bike Pathways Committee, particularly the ability of the Board to request funds for the Carlisle Pathways Account in lieu of pathway construction.
- 4) The centerline of all roadways must be identified on the plans.
- 5) The Board would have the opportunity to review a site before substantial land clearing.
- 6) There are additional filing requirements for the definitive plan.
- 7) The applicant will be required to bear the expense and responsibility for public hearing notification.
- 8) There are additional requirements for as-built plans.
- 9) The Planning Board may limit the number of lots gaining access from a subdivision roadway subsequent to approval.
- 10) There is more flexibility in open space requirements.
- 11) There are new drainage requirements as recommended by Nitsch to allow for more natural drainage structures.
- 12) There is an updated fee schedule based on research of area communities.

Willard suggested Art.III Sec.5.F include a reference to the Massachusetts Public Shade Tree Act and the Scenic Road Act. She also suggested that Art.III Sec.7 include "biodegradable jute matting or similar soil retention material" in the list of possible erosion control measures. Brock suggested that the more general terms "erosion matting" or "biodegradable erosion matting" would be preferable. Willard then asked if the Board had considered allowing smaller detention basins designed to capture less than the 100-year stormwater runoff. Willard said she spoke with the Conservation Administrator in Sudbury, who said that their town allows this. Brock was familiar with Sudbury's regulations and said that they use drainage calculations based on volume rather than rate, which changes the way drainage is designed. Brock also gave an example of a detention basin in Sudbury designed for less than the 100-year storm, which was allowed because it abuts a very large wetland capable of capturing the overflow without creating flood conditions elsewhere. Brock noted that it is possible to design creative drainage structures on a case-by-case basis, but it is difficult to allow for creativity when writing rules and regulations. Reid noted that the Board is able to waive regulations when reviewing plans if other, justifiable solutions are presented. Epstein suggested that the Board keep drainage design on the "to do" list in order to evaluate drainage design based on volume rather than rate.

Reid suggested that the wording in Art.II.9.A.4 state that construction of the subdivision must "commence" rather than "be complete" within the two-year time frame following approval. The Board agreed to put this on the "to do" list for the next revision since it requires further discussion.

Brock explained that she had an additional recommendation concerning pretreatment for infiltration. She suggested amending the last line of Art.III Sec.5.G.3.i as follows "pretreatment of runoff for sediment removal of eighty percent tss (total suspended solids) is provided."

Holzman noted that the words "a minimum of" should be inserted into the second sentence of Art.III Sec.5.G.3.j as follows: "The bottom of the infiltration system shall be a minimum of two (2) feet above seasonal high groundwater." Brock agreed.

Yanofsky had several questions for the Board and its consultants. First she asked who reviewed the proposed revisions and gave comment. Mansfield said that all Town boards and committees were given a copy of an earlier draft and asked to provide comments. He noted that all replied. Yanofsky asked Brock to define the term "natural drainage." Brock explained that the new regulations require the use of swales and basins planted with native vegetation rather than the use of pipes and cleanouts. Yanofsky then asked if Town Counsel had approved the requirement that the applicant is responsible for public hearing notices. Mansfield explained that it was approved as worded in the revised Rules and Regulations. Next, Yanofsky asked Belanger how the Pedestrian and Bike Safety Committee established the rate of \$15 per linear foot in lieu of pathway construction. Belanger explained that the committee studied thirteen towns with similar provisions and the \$15 fee was the average of all towns studied. She noted that some towns have complicated formulas based on topography and other conditions, but the Committee opted to keep the formula simple. Yanofsky asked Belanger if the committee reviewed the costs of installing existing pathways in Carlisle. Belanger said that the asphalt sidewalk in Carlisle Center is not the type of pathway that the committee will install and the other test pathway at the Tot Lot is not completed. Therefore, Belanger concluded that there is no good reference to use within the Town. Regarding the ANR project review fee, Yanofsky asked how people will know if they are required to pay this fee. The Board explained that for the majority of ANR plans submitted this will not be required, however, some recent plans have required engineering review because the Board was unable to determine if the plans met the requirements of the Zoning Bylaw. Finally, Yanofsky noted that the term "Sidewalk" has been removed from the list of definitions, yet the term is still used within the body of the document. Belanger explained that it is still used appropriately with a lowercase "s" in some instances. Epstein agreed to verify that it is not used with a capital "S" within the document.

Abend moved to close the public hearing. Lane seconded the motion and it carried 6-0. Epstein then moved to approve the Carlisle Planning Board Rules and Regulations Governing the Subdivision of Land as indicated on the draft dated May 22, 2002 with the following additional changes: 1) The last line of Art.III Sec.5.G.3.i shall read as follows "pretreatment of runoff for sediment removal of eighty percent tss (total suspended solids) is provided."; 2) The second sentence of Art.III Sec.5.G.3.j shall read as follows: "The bottom of the infiltration system shall be a minimum of two (2) feet above seasonal high groundwater."; 3) The fourth sentence of Art.III Sec.7 shall read as follows: "Control measures such as biodegradable erosion matting, hydroseeding, berms. . ."; and 4) If, upon review, the term "Sidewalk" with a capital "S" is found within the document, it shall be replaced with the defined term "Footpath." Hara seconded the motion and it carried 6-0.

The Board thanked Epstein for his efforts in coordinating and drafting the revisions to the Subdivision Rules and Regulations.

(Epstein left the meeting.)

Gordon Bannister asked if the Board planned to discuss the wireless application this evening. Reid explained that the Board had simply heard a report from a member who had attended the ZBA meeting. Mansfield said that the Board would also discuss the need for a wireless review engineer later in the evening.

Rescission of incomplete subdivision that has expired without an extension: Wilkins Lane Definitive Subdivision Plan - Kimball Road

Attorney Richard Gallogly of Rackeman, Sawyer and Brewster was present to represent William Costello.

Gallogly maintained that the subdivision's covenant requires completion within three years from the Certificate of Approval, which currently expires on June 22, 2002. The Board reviewed a letter from Costello, faxed to the Board today. The attached Certificate of Approval and Section 9 of the Covenant confirmed Gallogly's assertions. Costello's letter requested a one-year extension of time to complete the subdivision. Abend moved to extend the required completion date from June 22, 2002 to June 22, 2003. Lane seconded the motion and it carried 5-0.

Request for a release from Restrictive Covenant of remaining lots in Wilkins Lane Definitive Subdivision Plan, and substitution of deposit of money as performance guarantee [Request of William Costello]

Gallogly represented Costello for this discussion as well.

Costello's 6/10/02 letter also requested a release of all lots from the subdivision covenant in exchange for security in the form of a statement savings account held by both Costello and the Town of Carlisle. A letter from Banknorth to the Town Treasurer dated 6/5/02 confirmed this arrangement. Therefore, Abend moved and Hara seconded a motion to release the remaining lots in the Wilkins Lane Subdivision. The motion carried 5-0.

Rescission of incomplete subdivision that has expired without an extension: Pine Meadow Definitive Subdivision Plan - Maple Street

As an abutter to this property, Abend recused himself from this discussion.

The Board explained that it is still awaiting advice from Town Counsel on the question of the legal effects of subdivision rescission with various lot owners. Gallogly felt that rescission is not practical at this point since all the lots are sold.

The Board asked if he knew of the status of the drainage easement on Lot 15. Gallogly thought that it was still filled with gravel. Mansfield thought that the owner of Lot 15, who had damaged the basin with gravel, was in the process of selling the home. Gallogly suggested that a lien on the property might be appropriate at this time to recover the costs associated with restoring the drainage easement. Mansfield agreed to set up a meeting with Costello and the Town Administrator to discuss possible solutions.

Request for additional extension of time to complete Maplewood Subdivision, Acton Street, Map 17, Parcel 17A (Request of Robert Koning)

In a letter to the Board dated 6/2/02, the applicant requested an extension of time to complete Koning Farm Road From June 30, 2002 to June 30, 2003, due to pending litigation regarding a property line dispute. Abend moved and Lane seconded a motion to grant an extension of the time to complete the Maplewood Subdivision to Dec. 30, 2002. The motion carried 5-0.

Request to certify completion of High Woods Lane Common Driveway Special Permit, Map 6, Parcels 63-1, 63-2, 63-3, 63-4 and 63-5 [Request of West Street Partners, LLC]

The Board reviewed a letter faxed to the PB office today from engineer, Dale MacKinnon of Earth Tech.

Mansfield summarized the situation, stating that the project is at an impasse. The Building Inspector has requests for Occupancy Permits, but he requires a Certificate of Completion from the Planning Board. The Board's engineer is requesting three items be addressed before he certifies completion: 1) The design engineer must certify that the drainage system has been

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installed as designed, 2) the as-built plan must be submitted, and 3) the drainage structure at West Street must be modified. According to MacKinnon, the design engineer will address these items if directed to do so by his client. Northwest Development, the current owner of most of the lots, believes that the original applicant Christopher Fleming must request the work.

The PA was directed to forward a copy of MacKinnon's letter to the Building Inspector, Stamski and McNary, Fleming, Northwest Structures, Deck House and the current lot owners.

Request for Proposals for review of potential wireless facilities sites

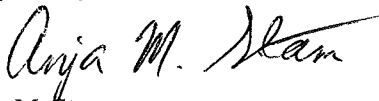
Mansfield informed the Board that there still had been no response to the Request for Proposals on Wireless Review. Holzman reported that he had been unsuccessful in contacting Donald Haes at MIT, but he agreed to continue trying. The Board and staff agreed to make a concerted effort to find someone to respond to the RFP.

Special Town Meeting

Mansfield explained that Town Counsel has advised that the only override the Town may legally present at Town Meeting is for \$75,000 for the high school, because of State notification requirements. The School Committee may also move on the floor of Town Meeting that money be used from the existing budget to fund the high school without an override.

At 9:50 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Administrative Assistant